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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/667,581

Filing Date: September 22, 2003

Appellant(s): HAKIEL ET AL.

Scott D. Paul (Reg. # 42,984)
Steven M. Greenberg (Reg. # 44,725)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/28/2008 appealing from the Office action
(Final rejection after filing of an RCE) mailed 04/25/2008.

Application/Control Number: 10/667,581

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US-6,714,976 B1	03-2004	Wilson et al.
US-6,473,407 B1	10-2002	Ditmer et al.
US-7,143,153 B1	11-2006	Black et al.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilson et al. (U.S. Patent Publication # 6,714,976 B1)** in view of **Ditmer et al. (U.S. Patent Publication # 6,473,407 B1)** and further in view of **Black et al. (U.S. Patent Publication # 7,143,153 B1)**.

Consider **claim 1**, Wilson et al. show and disclose a method of filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of various computer systems in a network by disclosing that users can select and specify in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig.1; column 4, lines 31-50 that show and disclose the monitoring environment with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 8-14 that show

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and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14; column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the method comprising the steps of: receiving a filter a set of the one or more computer environments (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments; and displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose monitoring and managing of a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level).

However, Wilson et al. do not explicitly disclose that in response to the receiving step, filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on a single display window; and displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Ditmer et al. disclose that in response to the receiving step, filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on a single display window (column 13, lines 28-39 which disclose a method for alarm management from a single workstation, including display or print lists of active alarms and define or display customized alarm filters to specify which alarms will appear in the alarm presentation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide, in response to the receiving step, a means for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on, a single display window, as taught by Ditmer et al., in the method of Wilson et al., so as to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window.

However, Wilson et al., as modified by Ditmer et al., do not specifically disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Black et al. show and disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links is clicked, the GUI

of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by Black et al. in the method of Wilson et al., as modified by Ditmer et al., so as to provide the network administrator additional status information for one or more filtered events, whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

Consider **claim 4**, and as applied to **claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further show and disclose a method wherein for each of the filtered one or more events, the displaying step further comprises the step of displaying a first set of information associated with an event identifier (Fig. 11, Exception ID column 262; column 13, lines 64-66 that disclose an event identifier field 262);
the associated one or more computer environments (Fig. 11, Components Type field in column 266; column 14, lines 7-10 that describe the data item associated with column 266 of the table in Fig. 11);

the first parameter (Fig. 11, System Components for Data Gathering column 268; column 14, lines 16-34 that describe the data item associated with column 268 of the table in Fig. 11);

the second parameter (Fig. 11, Threshold column 264; column 13, lines 66-67 and column 14, lines 1-7 that describe the data item associated with column 264 of the table in Fig. 11); and

a second parameter identifier (Fig. 11, Data ID field of column 266; column 14, lines 7-15 that describe the data item associated with column 266 of the table in Fig. 11).

Consider **claim 6**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein the second set of information comprises information associated with the configuration of the one or more computer environments (column 15, lines 13-15 which disclose that the data contained in table 260 of Fig. 11 (first set of information) is associated with the configuration information (second set of information) of the computer system being monitored).

Consider **claim 7**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein the second set of information comprises information associated with the threshold (column 13, lines 64-67 and column 14, lines 1-7 which disclose that the second set of information (column 264 of Fig. 11) comprises information associated with the threshold).

Consider **claim 8**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose the claimed invention including disclosing that the first parameter represents a severity level (in Ditmer et al. reference, column 20, line 46 that discloses different levels of severity for monitoring events).

Consider **claim 9**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method comprising the steps of: receiving a second filter representing at least one second parameter (in Ditmer et al. reference, Fig. 9, column 20, lines 35-67 and column 21, lines 1-35 which disclose that a customer typically subscribes to several services; therefore, in order to limit data collection to data germane to those particular services, the user must specify which services (e.g. VNET in the SQL statement shown in column 21, lines 9-18) need to be monitored, thereby disclosing receiving a second filter representing at least one second parameter), filtering the one or more events using the second filter in response to receiving the second filter (the SQL statement shown in column 21, lines 9-18, which acts as a filter to limit the monitored events only to the services subscribed by the customer), wherein the second parameter represents a resource (in Ditmer et al. reference, the services subscribed represent monitoring corresponding resources for any events).

Consider **claim 10**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method further comprising the steps of:

receiving a second filter representing at least one second parameter (in Ditmer et al. reference, column 21, lines 52-58 which disclose that events identified in the event view (defined by the user) may be periodically forwarded based upon a customer configurable interval, thereby disclosing receiving a second filter representing at least one second parameter (period or time interval for which the generated events are to be displayed in the user view)),

filtering the one or more events using the second filter in response to receiving the second filter (in Ditmer et al. reference, column 21, lines 52-58 which further disclose that only the events generated during the specified time interval (second filter) are made available in an event queue for display to the user in order of the severity of the event), wherein the second parameter represents a time (in Ditmer et al. reference, column 21, lines 52-58 which disclose that events identified in the event view (defined by the user) may be periodically forwarded based upon a customer configurable interval, thereby disclosing that the second parameter represents a time).

Consider **claim 11**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein each of the one or more computer environments comprises at least one computer system (in Wilson et al. reference, Fig. 1, server s1 block 20 and server s2 block 22 as examples of one or more

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computer environments with at least one computer system; column 4, lines 20-30 that disclose various components of the invention).

Consider **claim 12**, Wilson et al. clearly disclose an apparatus for filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of various computer systems in a network by disclosing that users can select and specify in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig.1; column 4, lines 31-50 that show and disclose a monitoring apparatus with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 1-8 show and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14; column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the apparatus comprising:

means for receiving a filter representing a set of the one or more computer environments (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments); and means for displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose the means for monitoring and managing a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level).

However, Wilson et al. do not specifically disclose means, responsive to the receiving means, for filtering the one or more events using the filter; wherein the filter is received from, and the one or more filtered events are displayed on, a single display window; and means for displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Ditmer et al. disclose means, responsive to the receiving means, for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on, a single display window (column 13, lines 28-39 which disclose a means for alarm management from a single workstation, including displaying or printing lists of active alarms and defining or

displaying customized alarm filters to specify which alarms will appear in the alarm presentation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide, means, responsive to the receiving means, for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on a single display window, as taught by Ditmer et al., in the apparatus of Wilson et al., so as to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window.

However, Wilson et al., as modified by Ditmer et al., do not specifically disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Black et al. show and disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links is clicked, the GUI of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose displaying a link from a first set of

information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by Black et al. in the method of Wilson et al., as modified by Ditmer et al., so as to provide the network administrator additional status information for one or more filtered events, whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

(10) Response to Argument

The examiner's Non-final Office Action for the RCE filed on 09-20-2007 for the application 10/667,581 relied on the references listed in section 8 of this Examiner's Answer. Claims 1, 4 and 6-12 were rejected based on the cited references. In response, the appellant filed an amendment on 02-04-2008, arguing but without amending any claims.

The examiner sent out the Final Office Action after RCE on 04-25-2008, again rejecting claims 1, 4 and 6-12 based on the same cited prior art and responding to the arguments. In response, the appellants filed a Notice of Appeal on 07-25-2008 and an Appeal Brief on 07-28-2008.

As stated on page 4 of the appeal brief, the **appellants' arguments are limited to the independent claim 1 only**. The examiner's response to these arguments for claim 1 is presented below:

Consider **claim 1**. The appellants on page 5 of the appeal brief argue that the cited reference of Wilson et al. (US Patent Publication # 6,714,976 B1) is silent as to

"the claimed filter representing a computer environment". The appellants further argue (on page 5) that the cited reference does not disclose that "a user actually selects a plug-in module", even though the plug-in modules are shown (in Fig. 3) to be present. On page 6 of the appeal brief, the appellants state that a teaching (in Wilson et al. reference) that event data being filtered comes from different computer environments, which is not comparable to a teaching that the filter itself represents a set of one or more computer environments.

The examiner respectfully disagrees with these assertions. The cited paragraph in column 6 of the Wilson et al. reference discloses monitoring elements 70 -- 76 within an EM (Event Monitoring) agent 50 (shown in Fig. 1 as different EM agents 30-40 and in more details in Fig. 2) include code modules that operate on a monitored network node for collecting information about certain events. The paragraph further discloses that the events may include system events, network events, database events, etc. Such event types certainly exist in one or more computer environments, such as enterprise computer systems, networks and databases (Sybase, Oracle, etc.). A given example of one such event in the enterprise computer environment is a general protection fault (a failure event caused by a program instruction that attempts to access forbidden system region of the computer memory), which can be defined as a system event. The cited paragraph further states that the event detection code may act as plug-in modules that a user can select for configuring which events are to be monitored, thereby providing the user with options to select from a group of plug-in modules in order to customize which events to monitor. Such an option corresponds to a filter for monitoring events in

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a computer environment, which is what the claim language states. In fact, column 7, lines 19-35 disclose that the module 80 (shown in Fig. 3) can filter from the traffic those portions that are relevant to the agent 50. In addition, Fig. 5 shows a Tap Filter Device 162, which is described in column 8, lines 19-44.

The appellants' assertion that the teaching in the Wilson et al. reference that event data being filtered comes from different computer environments is not comparable to a teaching that the filter itself represents a set of one or more computer environments, lacks credibility, because a filter itself does not represent computer environments, it is some computer code that selects a user specified portion of data (or events) from a larger set of relevant data. No reason is provided as to why the teaching of Wilson et al. is not comparable to the teaching of claim 1. Event Monitoring elements 70-76 shown in Fig. 3 include filter code to select either system events (element 70), or network events (element 72) or database events (elements 74 and 76), which are three different computer environments.

The appellants continue to argue (on page 6) that for claim 1, the cited prior art of Ditmer et al. (US Patent Publication # 6,473,407 B1) discloses "a single workstation", instead of "a single display window" as claimed; further arguing that Ditmer et al. do not teach "filtering events (which are associated with one or more computer environments) based upon a filter representing a set of the one or more environments", as claimed. On page 7, the appellants further allege that the examiner has failed to produce any factual evidence that Ditmer teaches this entire claimed limitation. Then, on page 8, the appellants argue that since the filters of the Wilson et al. and Ditmer et al. references

have different applications, there is no reasonable expectation of success when combining the two references to establish a *prima facie* case of obviousness.

The examiner begs to differ. The display on a single workstation is quite capable of displaying a single window, as happens in the display of a desktop, or any other fully expanded window. Furthermore, the Ditmer reference was relied upon to only disclose the claim element specifying "a single display window". The filter and the data for the computer environments it processes are already disclosed by the Wilson et al. reference, even though the Ditmer et al. reference also discloses filtering event data such as alarms, which certainly occur in different computer environments. In response to appellants' arguments against the references individually, one cannot show non-obviousness by attacking references individually where the rejections are based on combination of references. In any case, the examiner relied upon the Ditmer et al. reference to only disclose the claim element specifying "a single display window". As to the appellants' argument that the Wilson and Ditmer references have different applications, and therefore should not have been combined, the examiner does not agree with such assertion. Filtering alarms in a voice and data network of MCI/WorldCom, as disclosed in the Ditmer et al. reference is in the same application class as any other event monitoring method in a computer environment.

On page 9 of the appeal brief, the appellants mischaracterize the inclusion of a full claim element instead of a phrase "a single display window", to state that the examiner's assertion that "the examiner needed the combination with Ditmer et al. only to show 'a single display window' feature of claim" stands in stark contrast to the

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examiner's assertion in the paragraph spanning pages 4 and 5 of the Second Office Action, fully realizing that the remaining features in the included claim element have already been disclosed in the Wilson et al. reference. This was clearly stated in the "Response to Arguments" section of the final office action after RCE, wherein the examiner's response was "The applicants also argue that Ditmer et al. reference does not teach filtering events (which are associated with one or more computer environments) based upon a filter representing a set of the one or more environments as claimed. As explained above, this element of claim 1 is taught by Wilson et al. reference. Yet, the Ditmer et al. reference also discloses the filtering of events based on alarms, which are raised when certain events cross the specified thresholds". Therefore, the examiner respectfully disagrees with appellants above argument, which requires no further response.

There are no other arguments presented that require any response from the examiner for any of the remaining claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/K. G. B./

Examiner, Art Unit 2443

October 3, 2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454

confrees:

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151